

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:11-CR-6-1BO

UNITED STATES OF AMERICA :
: *UR*
v. :
: *UR*
JAMES SCOTT SESSIONS :
:

FILED IN OPEN COURT
ON 2/17/2011
Dennis P. Iavarone, Clerk
US District Court
Eastern District of NC

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of Memorandum of Plea
Agreement entered into by the defendant, James Scott Sessions, on
2/17, 2011, the following property is hereby forfeitable
pursuant to 18 U.S.C. § 981(a)(2)(A), to wit:

Currency:

\$336,103.67 in U.S. currency, an amount not currently in
the possession of or its whereabouts known to the
Government; and

Substitute Assets:

a) **Real Property** - All that lot or parcel of land, together
with its buildings, improvements, fixtures, attachments, and
easements, having the street address of 206 Stokes Court,
Fayetteville, North Carolina, 28303, located in Cumberland
County, and being more particularly described in a deed recorded
in Book 6056, Pages 797-798 of the Cumberland County Register of
Deeds. Being titled in the name of James Scott Sessions and wife,
Michelle M. Sessions.

b) Personal property

A 2006 Wesco boat trailer, VIN: 1W7B1221061004992,
A 2006 21DLX Carolina Skiff, Registration No. NC0741DE,
Hull #EKHB4144E606,
A 2004 Dodge Ram pickup truck, VIN: 1D7HA16DX4J281553,
A 2000 Mazda 626, VIN: 1YVGF22D9Y5172674,
A 2006 Chevrolet K15, VIN: 3GNFK16Z96G114123.

WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said property, pursuant to Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant, James Scott Sessoms, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(3), this Order is now final as to the defendant, provided that the proceeds from the sale of the substitute real and personal property will be credited toward the \$336,103.67 forfeiture, and an appropriate full or partial satisfaction of judgment filed. Further, should there be any surplus over and above the amount of \$336,103.67, such shall be returned to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3).

3. Pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the

property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture as required by Fed. R. Crim. P. 32.2(c).

5. That upon entry of this Preliminary Order of Forfeiture, the Clerk of Court is directed to enter judgment against that amount of currency forfeited, not in the possession

of the Government or its whereabouts known, that is, \$336,103.67,
subject to the provisions of this Order.

SO ORDERED. This 17 day of February, 2011.

Terrence W. Boyle
TERRENCE W. BOYLE
United States District Judge

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